

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
OFFICE OF GENERAL COUNSEL  
WASHINGTON, DC 20511

September 24, 2019

Andrew P. Bakaj  
Managing Partner  
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1250 Connecticut Avenue, NW, Suite 700  
Washington, DC 20036

Dear Mr. Bakaj,

I write in response to your letter of today to Acting Director of National Intelligence (“DNI”) Maguire. As detailed in my letters to Congress dated September 13, 2019 and September 17, 2019, we have determined, after consulting with the Department of Justice, that your client’s disclosure to the Inspector General of the Intelligence Community (“ICIG”) on August 12, 2019 does not fall within the statutory definition of an “urgent concern” set forth in 50 U.S.C. § 3033(k)(5).

Notwithstanding the inapplicability of the statute to the present situation, we understand that your client seeks guidance on how to contact and directly share information with the congressional intelligence committees in a manner consistent with appropriate security practices. Because your client’s complaint involves confidential and potentially privileged communications by persons outside of the Intelligence Community, we are consulting with other Executive Branch stakeholders before transmitting to you the guidance sought. We understand the time-sensitive nature of your request and expect that we will be able to provide actionable guidance soon.

Please know that the DNI’s highest priority is ensuring that the women and men of the Intelligence Community have everything they need to carry out their mission in support of our nation’s security. This includes supporting the rights of whistleblowers to provide information to Congress. I commend your client’s willingness to come forward to the ICIG, and the DNI is committed to protecting your client from retaliation for that disclosure. I also want to take this opportunity to state that we have every reason to believe that your client – our IC colleague – has acted in good faith and fully complied with the law. Furthermore, we understand that your client has respected the confidential and privileged nature of the information, while awaiting the guidance your letter references.

Again, we will report back to you soon. In the meantime, if you have any questions or concerns as this process moves forward please do not hesitate to contact me, either directly or through our ICIG. Thank you for reaching out to us.

Respectfully,



Jason Klitenic  
General Counsel

cc: Senate Select Committee on Intelligence  
House Permanent Select Committee on Intelligence

Attachments